

REMARKS**Claim Status**

Claims 1 and 3-7 are pending in the application. Claims 1, and 3-7 were rejected by the Examiner in the Office Action. Claim 1 is amended in this response. No new matter has been added. Support for these amendments is found throughout Applicant's Specification and Drawings, especially at paragraphs [0005] and paragraph [0012].

Claim Objections

Claims 1 was objected by the Examiner because line 6-7 of claim 1 was stated by the Examiner to be unclear. Applicant has amended claim 1 as suggested by the Examiner to recite that the support surface is mounted on the table.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Gerent et al. (US2001/0045148) in view of Plumley et al. (US2004/0055691). Claims 4 and 5 are rejected under 35 U.S.C. § 103 as being unpatentable over Gerent et al. (US2001/0045148) in view of Plumley et al. (US2004/0055691) and further in view of Gerber (US 5,089,971).

The Examiner stated that Gerent discloses all the limitations of claims 1, 3, 6, and 7 with the exception of nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece and that the work material comprises a hide. The Examiner further stated that Plumley teaches that the work material is a hide and nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece. The Examiner concludes it would have been obvious to one of ordinary skill in the art to provide Gerent et al. with the teachings of Plumley et. al.

The Examiner further stated that Gerent and Plumley discloses all the limitations of claims 4 and 5 with the exception of a vacuum generator and covering the work piece with a layer of impermeable material and operating the vacuum generator to draw the work material and layer of impermeable material down against a support surface. Applicant respectfully traverses the rejections in light of the remarks made below.

Claims 1, 3, 6, and 7

The Applicant's invention as recited in amended claim 1 now claims that the work material is scanned to detect any flawed areas of the work material. Once the scanning process is complete, pattern pieces are automatically nested onto the work material. See Applicant's Specification at [0005] and [0014]. Moreover, the nesting function of the pattern pieces is correlated with the flaw detection scan of the work material. Subsequent to scanning, the controller determines the location for placement of individual pattern pieces to be cut from the hide, a process referred to as nesting. See Applicant's Specification at [0014].

In contrast, Gerent and Plumley are silent as to this process. Gerent describes a camera (30) disposed on the cutter beam at an offset from the cutter head to define a tool offset between the camera and the cutter head. There is no disclosure in Gerent as to scanning to detect any flawed areas as claimed by the Applicant. In fact, Gerent teaches away from what the Applicant claims by requiring the operator to "visually" identify an origin point on the layup instead of automatically nesting a pattern piece onto said work material after the flaw detection in the work material as the Applicant claims. See Gerent's Specification at [0030].

Plumley describes a process for cutting of pattern pieces from a hide and attaching a backing material to the pattern pieces. Plumley teaches away from what the Applicant claims by disclosing that during operation, the hides 14 are transferred from the scanning table 16 to the cutting table 28 via a conveyor 29 or other means such as rollers. Therefore, nesting a subsequent pattern piece onto the work material while simultaneously cutting the previously nested pattern piece from the work material can not be done since nesting takes place on a separate and distinct table in Plumley. See Plumley's(US2004/0055691) Specification at [0024].

A *prima facie* case of obvious has not been made because the cited references teach away from what the Applicant claims. The Gerent reference in combination with Plumley does not render obvious the method of the present invention as recited in claim 1. One skilled in the art reading these references would not be led to the instant invention, because none of the cited references teach or suggest the invention. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this §103 rejection.

Claims 4-5

Claims 4-5 depend from independent claim 1. Thus, claims 4-5 incorporate the same limitations as claim 1. Applicant submits that the same arguments made for claim 1 above also apply for claims 4-5. In addition, claims 4-5 provide separate bases for patentability over and above those in claim 1 since these claims add further limitations. As such, Applicant believes that dependent claims 4-5 are also in condition for allowance for at least similar reasons as for independent claim 1.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit that the claims as currently pending are patentable and in condition for allowance.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Favorable consideration is respectfully requested.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, No. 4757-4240US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4757-4240US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: May 17, 2005

By: _____


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